

**SUPREME COURT MINUTES
FRIDAY, MARCH 8, 2013
SAN FRANCISCO, CALIFORNIA**

S197735 B231019 Second Appellate District, Div. 6 **ROBEY (KEWHAN) v. S.C.
(PEOPLE)**

Supplemental briefing ordered

The parties are requested to submit letter briefs addressing whether the District Attorney has forfeited the argument that the warrantless search was justified by the “plain smell” of marijuana emanating from the package by failing to raise this argument in the superior court. The parties also are notified that, pursuant to Evidence Code sections 452, subdivision (d), and 459, subdivision (a), this court will consider taking judicial notice of documents filed in the superior court in connection with the motion to suppress, which may be pertinent to the issue of forfeiture. Accordingly, pursuant to Evidence Code sections 455 and 459, subdivision (c), the parties additionally are invited to present arguments in the letter briefs relevant to the propriety of taking judicial notice of these matters. The parties are requested to serve and file simultaneous letter briefs on or before March 18, 2013, and may serve and file a letter brief in response on or before March 28, 2013.

S207621

VICTOR ON DISCIPLINE

Recommended discipline imposed: disbarred

The court orders that ROBERT MARSHALL VICTOR, State Bar Number 156232, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

ROBERT MARSHALL VICTOR must make restitution to the following payees:

- (1) Triton Films Inc. in the amount of \$475,000 plus 10 percent interest per year from April 20, 2011; and
- (2) SBDL Productions, LLC in the amount of \$475,000 plus 10 percent interest per year from April 15, 2011;

Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

ROBERT MARSHALL VICTOR must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S208799**AIRD ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of ROBERT BRUCE AIRD, State Bar Number 60405, as a member of the State Bar of California is accepted.

ROBERT BRUCE AIRD must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S208801**APRIL ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of STEVE APRIL, State Bar Number 114080, as a member of the State Bar of California is accepted.

STEVE APRIL must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S208804**BARRIENTES ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JOHN CHARLES BARRIENTES, State Bar Number 106787, as a member of the State Bar of California is accepted.

JOHN CHARLES BARRIENTES must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S208805**BRENNAN ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of TIMOTHY PETER BRENNAN, State Bar Number 160359, as a member of the State Bar of California is accepted.

TIMOTHY PETER BRENNAN must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S208808**DIBBLE ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JONATHAN ATWOOD DIBBLE, State Bar Number 56882, as a member of the State Bar of California is accepted.

JONATHAN ATWOOD DIBBLE must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S208890**FOX ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of BRENDA LEE FOX, State Bar Number 50523, as a member of the State Bar of California is accepted.

BRENDA LEE FOX must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S208892**BOASBERG ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JAMES EMANUEL BOASBERG, State Bar Number 149928, as a member of the State Bar of California is accepted.

JAMES EMANUEL BOASBERG must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S208896**GREENE ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of KAREN SUE GREENE, State Bar Number 172160, as a member of the State Bar of California is accepted.

KAREN SUE GREENE must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S208897**GROSS ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of BARRY RANDALL GROSS, State Bar Number 39129, as a member of the State Bar of California is accepted.

BARRY RANDALL GROSS must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S208899**HACKETT ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of THOMAS GERARD HACKETT, State Bar Number 132251, as a member of the State Bar of California is accepted.

THOMAS GERARD HACKETT must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S208900**HERGOTT ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JAY STUART HERGOTT, State Bar Number 63359, as a member of the State Bar of California is accepted.

JAY STUART HERGOTT must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S208902**POLSE ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of ROBERTA R. POLSE, State Bar Number 81067, as a member of the State Bar of California is accepted.

ROBERTA R. POLSE must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S208903**PETERSEN ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of KAREN ANNE PETERSEN, State Bar Number 109180, as a member of the State Bar of California is accepted.

KAREN ANNE PETERSEN must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S208904**OCCHIUTO ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JOSEPH PHILIP OCCHIUTO, State Bar Number 117696, as a member of the State Bar of California is accepted.

JOSEPH PHILIP OCCHIUTO must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S208905**NASH ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of MICHAEL A. NASH, State Bar Number 106685, as a member of the State Bar of California is accepted.

MICHAEL A. NASH must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S208906**MILLAR ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JAMES EDWIN MILLAR, State Bar Number 91391, as a member of the State Bar of California is accepted.

JAMES EDWIN MILLAR must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S208907**MIHALY ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of CHRISTY TAYLOR MIHALY, State Bar Number 129211, as a member of the State Bar of California is accepted.

CHRISTY TAYLOR MIHALY must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S208951**PURCELL ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of ELIZABETH ANNE PURCELL, State Bar Number 75272, as a member of the State Bar of California is accepted.

ELIZABETH ANNE PURCELL must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S208952**RANK ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JOHN THOMAS RANK, State Bar Number 55066, as a member of the State Bar of California is accepted.

JOHN THOMAS RANK must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S208954**RILEY ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of PATRICIA SHANAHAN RILEY, State Bar Number 82675, as a member of the State Bar of California is accepted.

PATRICIA SHANAHAN RILEY must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S208955**KESTIGIAN ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of MONIQUE LEMAIRE KESTIGIAN, State Bar Number 112824, as a member of the State Bar of California is accepted.

MONIQUE LEMAIRE KESTIGIAN must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S208956**KONG ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of VERDINE KONG, State Bar Number 133499, as a member of the State Bar of California is accepted.

VERDINE KONG must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S208957**LAKEY ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of THEODORE RUSSELL LAKEY, State Bar Number 48151, as a member of the State Bar of California is accepted.

THEODORE RUSSELL LAKEY must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S208959**ROVICS ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of CAREN J. ROVICS, State Bar Number 114431, as a member of the State Bar of California is accepted.

CAREN J. ROVICS must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S208960**JONES ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of LINDA BERGESON JONES, State Bar Number 122910, as a member of the State Bar of California is accepted.

LINDA BERGESON JONES must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S208961**JACOBS ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of RICHARD PAUL JACOBS, State Bar Number 80214, as a member of the State Bar of California is accepted.

RICHARD PAUL JACOBS must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S208962**JONES ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of MARYANN JONES, State Bar Number 117674, as a member of the State Bar of California is accepted.

MARYANN JONES must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S209037**SCHLEH ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of ROBERT CHARLES SCHLEH, State Bar Number 30365, as a member of the State Bar of California is accepted.

ROBERT CHARLES SCHLEH must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S209038**TAYLOR ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of NANCY ALMA TAYLOR, State Bar Number 127871, as a member of the State Bar of California is accepted.

NANCY ALMA TAYLOR must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S209039**SCHOENFELDER ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of PEGGY ANN SCHOENFELDER, State Bar Number 103153, as a member of the State Bar of California is accepted.

PEGGY ANN SCHOENFELDER must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S209041**WHITLOCK ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of CHRISTINA LESLIE WHITLOCK, State Bar Number 141903, as a member of the State Bar of California is accepted.

CHRISTINA LESLIE WHITLOCK must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S209042**WILSON ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of DENNIS JAMES WILSON, State Bar Number 176652, as a member of the State Bar of California is accepted.

DENNIS JAMES WILSON must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.